

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

REYMOND MEDEAA, ET AL.

CIVIL ACTION NO. 09-1211

-vs-

JUDGE DRELL

K.A.P. ENTERPRISES, L.L.C., ET AL.

MAGISTRATE JUDGE KIRK

RULING

Before the Court is Plaintiffs' Motion to Strike Declaration of Versha Patel Karsan (Doc. 374). For the following reasons, the Motion is GRANTED.

I. Background

In a separate motion before the Court (Doc. 359), Plaintiffs seek to have our December 20, 2011 Judgment in their favor reinstated, and to convert our November 26, 2014 Judgment to a final money judgment. Defendants attached to their Response to that motion a number of exhibits, including a declaration by Defendant Versha Patel Karsan regarding some bank accounts maintained by SaiNath, L.L.C. and various funds deposited therein. Plaintiffs ask us to strike these attachments because they are not relevant evidence.

II. Law and Argument

Federal Rule of Evidence Rule 401 states that "Evidence is relevant if: (a) it has a tendency to make a fact more or less probable than it would be without the evidence; and

(b) the fact is of consequence in determining the action." Fed. R. Evid. 401. The evidence offered by Defendants tends to make it more probable that SaiNath had bank accounts in its name and that certain payments by certain plaintiffs were deposited into those accounts. However, these facts are not of consequence in our determination of the remaining issues in this case. All that is left for the Court to determine is the application of Ogea v. Merritt to the issue of Versha Patel Karsan and Arun Karsan's personal liability. Our decision turns on whether any of the avenues for holding members of limited liability companies personally liable that were enumerated by the Louisiana Supreme Court in Ogea are applicable to the Karsan's actions, and the existence of these bank accounts and the funds deposited in them is not of consequence to this determination.

III. Conclusion

For the foregoing reasons, Plaintiffs' Motion to Strike (Doc. 374) is GRANTED.

SIGNED on this 7 day of April, 2015 at Alexandria, Louisiana.



DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT